IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Crl.Rev.Pet.No. 1316 of 2007()

CC.1725/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

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REVN. PETITIONER/ ACCUSED:

PRASANTH G.PILLAI, AGED 33 YEARS,
S/O PRAVITHA, KADAVOOR,
PERINADU P.O.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: COMPLAINANT AND STATE:

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1. ARIFA BEEVI, THANDAVILAYIL HOUSE,
MAINAGAPALLY NORTH P.O.,KARUNAGAPPALY,
KOLLAM.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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C.R.R.P.No.1316 OF 2007

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Dated this the 28th day of March, 2007

ORDER

The revision petitioner is the complainant in the proceedings initiated under Section 138 of the Negotiable Instruments Act. The court below dismissed the complaint under Section 204(4) Cr.P.C. It is submitted that in the order of the court below it is mentioned that the complainant was absent and that there was no representation. In fact the complainant has produced the order sheet which shows that the complainant was present but no steps were taken. The revision petitioner has admitted the lapse and as pleaded that the same may be condoned. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter. The revision petitioner shall appear before the Judicial First Class Magistrate Court-II, Kollam, on 23.04.2007.

The Crl.R.P is allowed accordingly.

K.R.UDAYABHANU,JUDGE

dvs